

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

MATTHEW J. BLACKSTONE,

Plaintiff,

v.

CIVIL ACTION NO. 1:18-00910

ASHLEY STARK, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation on December 11, 2019, in which he recommended that the court grant defendants Stark, Lilly, Lucas, Alexis, Collins, Goode, Vazquez-Valazquez, and Carothers' "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment" (ECF No. 77), grant defendant Smith's "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment" (ECF No. 81), and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), plaintiff was allotted fourteen days and three mailing days in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections within the time allowed constitutes a waiver of

such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Objections to the Proposed Findings and Recommendation were due by December 30, 2019. On December 27, 2019, plaintiff filed a Motion for Extension of Time to File Objections. (ECF No. 95.) That motion was granted by this court on January 6, 2020, and this court extended the deadline to file objections to the PF&R to January 17, 2020. Neither party filed any objections to the Magistrate Judge's Findings and Recommendation by the extended deadline of January 17, 2020.

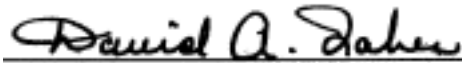
Accordingly, the court adopts the Findings and Recommendation of Magistrate Judge Aboulhosn as follows:

1. Defendants Stark, Lilly, Lucas, Alexis, Collins, Goode, Vazquez-Valazquez, and Carothers' "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment" (ECF No. 77), is **GRANTED**;
2. Defendant Smith's "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment" (ECF No. 81), is **GRANTED**;
3. This case is **DISMISSED**; and
4. The Clerk is directed to remove this case from the court's active docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

IT IS SO ORDERED this 4th day of February, 2020.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge